

move the label and you remove the difference between the most expensive champagne and Carlene's Imperial."

Adulteration of the product was charged under the allegation that an effervescent alcoholic beverage having the flavor of a fermented apple product had been substituted for champagne.

Misbranding of the product was charged under the allegation that the statement "Champagne Americaine", on the shoulder label of the bottle, the design on the main bottle label depicted a medieval walled city and a typical champagne bottle of thick glass with the push-up bottom and the champagne style wired-in cork stopper, and the statement on strip posters in shipping cases, "Do You Like Champagne? Try Carlene's Imperial", were false and misleading and tended to deceive and mislead the purchaser when applied to an effervescent alcoholic beverage having the flavor of a fermented apple product which was not champagne; and under the allegation that the product was offered for sale under the distinctive name of another article, namely, champagne.

On January 8, 1936, no claimant having appeared, judgment was entered finding the product adulterated and misbranded, and ordering that it be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25885. Adulteration of canned salmon. U. S. v. 3,354 Cases of Canned Salmon, and two other libel proceedings against canned salmon involving 7,167 cases thereof. Cases consolidated for purpose of decree. Consent decree of condemnation and forfeiture, providing for release of the salmon under bond for segregation and destruction of the adulterated portion. (F. & D. nos. 36435, 36529, 36560. Sample nos. 26565-B, 26567-B, 37881-B, 37893-B, 37896-B, 40878-B, 40888-B.)

The product in each of these three shipments was in part decomposed.

On September 25, October 19, and October 23, 1935, the United States attorney for the Western District of Washington, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 10,521 cases of canned salmon at Seattle, Wash., alleging that the article had been shipped in interstate commerce from Klawock, Alaska, to Seattle, Wash., by the Klawock Packing Co., in various shipments on or about August 12, 20, and 31, 1935, and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the product was charged in each of the cases under the allegation that it consisted in whole or in part of a decomposed animal substance.

On January 20, 1936, the three cases having been consolidated for purpose of decree, and the Klawock Packing Co., claimant, consenting, judgment of condemnation was entered providing for release of the product to the claimant under bond conditioned that the adulterated portion be segregated and destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25886. Misbranding of bakery products. U. S. v. 66 Packages of Devonet's Canape Wafers, et al. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 36533. Sample nos. 22092-B to 22095-B, incl., 22097-B, 22098-B.)

The label on the packages of each of these articles bore an erroneous statement concerning the weight of contents.

On October 22, 1935, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 113 packages of wafers, 19 packages of toast, 90 packages of whole wheat, and 714 packages of toasted crumbs at Newark, N. J., alleging that the articles had been shipped in interstate commerce, on or about September 18, 1935, and on or about October 2, 1935, by Devon Bakeries, Inc., from New York, N. Y., and charging misbranding in violation of the Food and Drugs Act as amended. The articles were labeled in part: (Packages) "Devonets Canape Wafers De Luxe Net Weight Not Less Than 4½ Oz."; "Devonsheer Plain Melba Toast Net Weight Not Less Than 3¾ Ounces"; "Devonsheer 100% Whole Wheat 'A Toast to the Nation' 3¾ Oz. The Perfect Health Food for Weight Control"; "Devonsheer Old English Golden Brown Toasted Crumbs One Pound Net"; "Devonets Canape Wafers De Luxe Net Not Less Than 4 Oz."

Misbranding of each of the several articles was charged (a) under the allegation that the statement of the weight of the contents of the packages, borne on the label, was false and misleading and tended to deceive and mislead; (b) under the allegation that the article was found in package form and the quantity of the

contents was not plainly and conspicuously marked on the outside of the package, since the statement made was incorrect.

On January 6, 1936, no claimant having appeared, judgment of condemnation was entered and it was ordered that the products be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

25887. Adulteration of butter. U. S. v. 346 Tubs of Butter. Consent decree of condemnation and forfeiture. Product released under bond for reworking. (F. & D. no. 36549. Sample no. 30575-B.)

This product was sold as butter but was deficient in milk fat.

On September 21, 1935, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 346 tubs of butter at Jersey City, N. J., alleging that the article had been shipped in interstate commerce on or about August 28, 1935, by E. W. Newton, from Wheeling, W. Va., and charging adulteration in violation of the Food and Drugs Act.

Adulteration of the article was charged under the allegation that a product containing less than 80 percent by weight of milk fat had been substituted for butter.

On October 9, 1935, E. W. Newton, Wheeling, W. Va., having appeared as claimant, consent decree of condemnation and forfeiture was entered providing for release of the product to the claimant under bond conditioned that it be reworked so that it contain at least 80 percent of milk fat.

W. R. GREGG, *Acting Secretary of Agriculture.*

25888. Adulteration of butter. U. S. v. 1 Tub of Butter, and another libel proceeding against butter. Default decree of condemnation, forfeiture, and destruction in each case. (F. & D. nos. 36551, 36552. Sample nos. 39877-B, 39883-B.)

Samples of butter taken from these shipments were found to contain maggots, mold, portions of insects, human hair, rodent hair, and nondescript dirt.

On October 11 and October 16, 1935, the United States attorney for the District of Maryland, acting upon reports by the Secretary of Agriculture, filed in the district court on each of said dates, a libel praying seizure and condemnation of a quantity of butter at Baltimore, Md., consigned by J. N. Bernard, Rogersville, Tenn. It was alleged in the libels that the article had been shipped in interstate commerce, in part on or about October 6, 1935, and in part on or about October 14, 1935, from Rogersville, Tenn., to Baltimore, Md., and was adulterated in violation of the Food and Drugs Act.

Adulteration of the article, in each case, was charged under the allegation that it consisted in whole or in part of a filthy, decomposed, or putrid animal substance.

On November 19 and November 21, 1935, no claimant having appeared in either case, default decrees of condemnation, forfeiture, and destruction were entered.

W. R. GREGG, *Acting Secretary of Agriculture.*

25889. Adulteration of butter. U. S. v. 12 Cases and 4 Boxes of Butter. Default decree of condemnation, forfeiture, and destruction in each case. (F. & D. nos. 36556, 36557. Sample nos. 41586-B, 43462-B.)

Samples of the butter involved in these cases were found to contain mold, insect legs, filth, and nondescript dirt.

On October 3, 1935, and October 18, 1935, the United States attorneys for the Eastern District of Louisiana and the District of Massachusetts, acting upon reports by the Secretary of Agriculture, filed in their respective district courts libels praying seizure and condemnation of 12 cases of butter at New Orleans, La., and 4 boxes of butter at Lynn, Mass. It was alleged in the libel filed in the Eastern District of Louisiana that the article had been shipped in interstate commerce on or about September 24, 1935, by Armour Creameries, from Fort Worth, Tex., to New Orleans, La., and in the libel filed in the District of Massachusetts that the article had been shipped in such commerce (about October 8, 1935) by Armour Creameries, from Marysville, Kans., to Lynn, Mass. It was charged in each libel that the product was adulterated in violation of the Food and Drugs Act. The lot libeled at New Orleans, La., was labeled in part: (Case) "Springbrook Country Rolls." The lot libeled at Lynn, Mass., was labeled in part: "Goldendale Creamery Butter Distributed by Armour Creameries."